

REMARKS

Applicants respectfully request reconsideration in view of the above amendments and the following remarks. Solely to expedite prosecution, this response cancels claims 41-51, 53-55, 215, 218, 223-225, 227, 228, 235 and 236 without prejudice. Applicants reserve the right to pursue the subject matter of any canceled claim in one or more continuation applications.

REJECTIONS UNDER 35 U.S.C. § 102

The Action rejects claims 1-4, 41-51, 53-55, 215, 218, 235, 236 and 239-243 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,000,361 to Pratt ("Pratt"). Applicants respectfully traverse these rejections and request withdrawal of all rejections under § 102(b). The rejections of claims 41-51, 53-55, 215, 218, 235 and 236 are moot in view of the cancellation of these claims without prejudice.

PRATT DOES NOT TEACH OR SUGGEST COMPARING COLLECTED GENETIC INFORMATION WITH A DESCRIPTION OF GENETIC REQUIREMENTS AND DETERMINING A LEVEL OF COMPLIANCE BASED ON THE COMPARISON

Amended independent claim 1 recites, "comparing . . . at least part of said collected genetic information . . . with said description of one or more genetic requirements [and] determining . . . based at least in part on said comparison, a level of compliance of at least one of said identified one or more animals with at least one of said one or more genetic requirements of said livestock marketing program." Pratt is also silent as to such a method act. Instead, Pratt just refers generally to "the transmission of . . . data . . . to the producer for use in the genetic selection and breeding of future animals for beef production." See col. 5, lines 48-53; see also col. 28, lines 18-20.

For at least these reasons, claim 1 is allowable over Pratt.

Amended independent claim 3 recites a system comprising one or more computer-readable media having encoded thereon instructions which, when executed by one or more computers, cause the one or more computers to perform the method acts of claim 1. For reasons similar to those explained above for claim 1, Pratt does not teach or suggest “comparing . . . at least part of said collected genetic information . . . with said description of one or more genetic requirements [and] determining . . . based at least in part on said comparison, a level of compliance of at least one of said identified one or more animals with at least one of said one or more genetic requirements of said livestock marketing program,” as in claim 3.

For at least these reasons, and for the unique combination of features recited therein, claim 3 is allowable over Pratt.

Amended independent claim 243 recites one or more computer-readable media comprising instructions configured to cause one or more computers to execute the method acts of claim 1. For reasons similar to those explained above for claim 1, Pratt does not teach or suggest “comparing . . . at least part of said collected genetic information . . . with said description of one or more genetic requirements [and] determining . . . based at least in part on said comparison, a level of compliance of at least one of said identified one or more animals with at least one of said one or more genetic requirements of said livestock marketing program,” as in claim 243.

For at least these reasons, and for the unique combination of features recited therein, claim 243 is allowable over Pratt.

DEPENDENT CLAIMS

Claims 2, 239 and 240 depend from independent claim 1, and claims 4, 241 and 242 depend from independent claim 3. Each of these dependent claims is allowable for at least the

reasons stated above for their respective base claims, as well as for the unique combinations of features or method acts recited therein.

REJECTIONS UNDER 35 U.S.C. § 103

The Action rejects claims 223-225, 227 and 228 under 35 U.S.C. § 103(a) over Pratt in view of U.S. Patent Application Publication No. 2002/0065765 to Schuler *et al.* Applicants respectfully traverse these rejections but, as mentioned above, this response cancels these claims to expedite prosecution. The rejections of these claims are moot in view of their cancellation without prejudice.

Applicants respectfully request withdrawal of all rejections under § 103.

NEW CLAIMS

Independent claim 244 is new. Claim 244 is allowable because, for example, the prior art does not teach or suggest, “based at least in part on the buyer requirement indicator and using said computer, retrieving marketing program compliance information, the marketing program compliance information comprising one or more genetic requirements; based at least in part on the sale indicator and using said computer, retrieving genetic information for the one or more animals; [and] comparing, using the computer, said retrieved genetic information for said one or more animals and said retrieved marketing compliance program information.”

New claim 245 depends from new independent claim 244 and is allowable for at least the same reasons as its base claim, as well as the unique combination of method acts recited therein.

REQUEST FOR INTERVIEW

If any issues remain, Applicants formally ask the Examiner to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. Applicants believe that a brief discussion of the merits of the present application may expedite prosecution, and they submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

Applicants submit this request under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the Application is in condition for allowance.

Respectfully submitted,

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